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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,458	09/26/2003	Timo Tokkonen	852.0023.U1(US)	9731

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EXAMINER

LONG, ANDREA NATAE

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,458	Applicant(s) TOKKONEN, TIMO	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7 and 10-12 is/are pending in the application. .
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's Response

Claims 1, 6, 7, and 10-12 are amended, claims 4, 5, 8, 9, 13, and 14 are cancelled. The Applicant traverses the rejection of claims 1-3, 6, 7, 10 11, and 12 under 35 U.S.C §102(e).

The objection to claim 1 is moot due to the amendment.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 11 is directed to a computer program product comprising a computer readable memory. The Applicant lacks a specific and deliberate definition in the specific that is includes an appropriate medium as part of the product, and therefore is software per se. A computer program product or software per se falls under logic or an abstract idea. They do not fall in one of the four categories (process, machine, manufacture, or composition of matter) of patent eligible subject matter under 35 U.S.C 101.

Dependent claim 12 is rejected for inheriting the deficiencies of claim 11.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 6, 7, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Venolia et al (US Patent 6573844 B1), hereinafter "Venolia".**

As to independent claim 1, Venolia teaches a method comprising:

receiving a separate information unit entered with input elements of a dynamic I/O arrangement belonging to a user interface of an electronic device (column 5 lines 54-56, column 5 line 63 through column 6 line 9)

identifying after each input the entered information unit and determining based on probability which information units will likely be input next (column 6 lines 44-45); and,

emphasizing by size the input elements corresponding to the information units likely to be entered next in the user interface of the electronic device, wherein the size of the emphasized input elements are determined on a case-specific basis depending on the probability of the information unit associated with the input element being entered next (column 6 lines 44-59, Fig. 4).

As to dependent claim 2, Venolia teaches whereby the input of the information unit is fulfilled by a press of a separate key belonging to the user interface (column 6 lines 4-9).

As to dependent claim 3, Venolia teaches where the dynamic I/O arrangement comprises a touch display or a projection keyboard (column 5 lines 26-27, Figure 2 reference character 404, “soft keyboard”).

As to independent claim 6, Venolia teaches a memory configured to save information (Fig. 1, reference character 22);

a user interface configured to display a plurality of input elements, each of the input elements corresponding to an information unit (Fig. 3 column 5 line 63-column 6 line 9);

an input control configured to receive selections of information units selected using the input elements displayed by the user interface (column 5 lines 54-56, column 5 line 63 through column 6 line 9);

a control unit coupled to the memory, user interface, and input control, the control unit configured to identify after each input an entered information unit; to determine based on probability which information units will likely be entered next; and to cause the user interface to emphasize by size the input elements corresponding to the information units likely to be entered next, wherein the size of the emphasized input elements are determined on a case-specific basis depending on the probability of the information unit associated with the input element being entered next (Fig. 1, Fig. 4, column 6 lines 44-59).

As to dependent claim 7, Venolia teaches where the input elements are defined by an area on a touch display or a projection keyboard (column 5 lines 26-27, Fig. 2 reference character 404, “soft keyboard”).

As to dependent claim 10, Venolia teaches wherein the electronic device is a cellular terminal or PDA (column 5 line 39-41).

As to independent claim 11, claim 11 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.

As to dependent claim 12, is rejected under the same rationale as claim 2.

Response to Arguments

4. Applicant's arguments filed 02/21/2007 have been fully considered but they are not persuasive.

Applicant argues that Venolia does not teach the limitation of claim 1 that recites "emphasizing by size the input elements corresponding to the information units likely to be entered next in the user interface of the electronic device, wherein the size of the emphasized input elements are determined on a case-specific basis depending on the probability of the information unit associated with the input element being entered next".

The examiner respectfully disagrees.

Venolia clearly teaches emphasizing keys on a soft keyboard that are next likely to be selected based on the previous text that was entered, which constitutes that case-specific basis. Venolia expressly teaches this limitation in Fig. 4 and in column 6 lines 44-59 by stating

“rendering the keys on the soft keyboard likely to be entered next by the user as larger in size as compared to other keys.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
04/27/2007


WILLIAM BASHORE
PRIMARY EXAMINER